



**New Mexico Environment Department
Liquid Waste Program
Training and Certification Program Business Plan
June 4, 2007 **DRAFT #6****



Issues regarding NMED/EIB authority to impose a certification program will be the subject of a forthcoming legal opinion. NMED believes that regulation 20.7.3.904 will have to be amended. In addition to legal issues, many persons believe that the original 20.7.3.904 regulation was excessively burdensome, for both the NMED and the industry, and was overly prescriptive. NMED, therefore, proposes to replace the existing regulation with the attached discussion draft that is offered for public comment. NMED requests that comments on the attached draft be provided in writing no later than by June 29, 2007. Written comments should be provided to Brian Schall, NMED Liquid Waste Program, 5500 San Antonio NE, Albuquerque, NM 87109, 505-222-9513, brian.schall@state.nm.us.

Substantive changes are proposed in the following areas:

Installer 1 – NMED and CID believe that the original 20.7.3.904 regulation may be viewed as dual licensing for installers of conventional treatment systems which is specifically prohibited by 60-13.1.1.B NMSA.

Effective date – The term “no later than by July 1, 2009” is proposed because the department believes that most if not all of the provisions of the revised regulation can be accomplished by July 1, 2008.

Master Installer – This is a proposed certification level that was not in the original regulation. It is a voluntary certification that qualified installers may apply for. If granted by the department, Master Installers would be pre-authorized to conduct inspections of systems that they install or modify, and would submit electronic copies of inspection forms and site photographs to the department for upload into the Liquid Waste Database. This proposed new certification would be beneficial to both the department and industry.

Education Steering Committee – The proposed revisions are less prescriptive than the original regulations and allow the committee to establish its own procedures, practices and policies. Committee membership also is established more clearly.

Certification Fees – While the authorizing statute provides broad authority for the Liquid Waste Program, it does not provide specific authority for the establishment of certification fees. The fee provision in the original regulation is proposed to be deleted.

Discussion Draft of Possible Replacement for 20.7.3.904

20.7.3.904 TRAINING AND QUALIFICATION:

- A. The following qualifications pertaining to the permitting, construction and inspection of on-site liquid waste systems shall become effective no later than by July 1, 2009:
1. Within 6 months of being hired, employees of the department reviewing, approving or inspecting on-site liquid waste systems shall complete a liquid waste training program and pass an exam administered by the department, and shall complete 24 hours of approved continuing education every three years thereafter.
 2. Homeowners shall complete a program and pass an exam approved by the department prior to the issuance of a permit for a homeowner installed system.
 3. An Installer 1 shall possess a valid, applicable New Mexico contractor's license, and shall complete a 4-hour program and pass an exam on 20.7.3, NMAC administered by the department. An Installer 1 may only conduct site evaluations for, design and install graywater systems, and conventional treatment systems.
 4. An Installer 2 shall possess a valid, applicable New Mexico contractor's license, shall complete a 4-hour program and pass an exam on 20.7.3 NMAC administered by the department, and shall be certified by the manufacturer of advanced treatment systems they install. An Installer 2 shall complete 24 hours of approved continuing education every three years. An Installer 2 may conduct site evaluations, design and install all forms of on-site liquid waste systems.
 5. Manufacturers of approved advanced treatment systems shall provide training and certification for their systems at least once per year. Manufacturers may charge reasonable fees for their training and certification.
 6. Maintenance service providers shall comply with 20.7.3.903, NMAC.
 7. Inspectors shall be department employees who have completed the requirements of Paragraph 1 above; installers with a valid, applicable New Mexico contractor's license; or shall demonstrate a combination of training and experience as approved by the department.
 8. Site evaluators, system designers and wastewater reuse irrigators may be certified on a case-by-case basis after demonstration of a combination of training and experience as approved by the department.
 9. Septage pumpers shall be certified by the national association of waste transporters (NAWT), or shall have completed an equivalent program approved by the department.
- B. Master Installer.
1. An Installer 1 or 2 who meets the qualifications specified below may apply to the department for certification as a Master Installer 1 or 2.
 - a. The installer shall provide the department with documentation of at least ten years of experience in the installation of on-site liquid waste systems. For Master Installer 2, three of the ten years of experience shall include the installation of advanced treatment systems.
 - b. The installer shall not have been issued a Compliance Order within the past 5 years for any violation of 20.7.3, NMAC. Compliance Orders that have been appealed and dismissed by the secretary, however, shall not be grounds for disqualification as Master Installer.
 - c. The installer shall provide the department with documentation of 24 hours of approved continuing education during the past 3 years, and shall complete 24 hours of approved continuing education every 3 years thereafter.
 2. Master installers shall be authorized to perform self inspections of systems they install, modify or repair, provided that:

- a. The Master Installer notifies the department orally or in writing at least two working days prior to the inspection;
 - b. The Master Installer completes the inspection form used by department for new and modified systems;
 - c. The Master Installer takes digital photographs that accurately identify the site and features of the installation; and
 - d. The Master Installer submits electronic copies of the inspection form and site photographs to the department within five working days after the inspection.
- C. The department shall maintain a list of qualified department employees, installers, maintenance service providers, inspectors, site evaluators, system designers, wastewater reuse irrigators and septage pumpers.
- D. Suspension, revocation and denials.
 1. The department may suspend or revoke a certification for cause. Failure to provide service in accordance with the certification, or in accordance with 20.7.3, shall be grounds for suspension or revocation of the certification.
 2. The department may deny certification if it determines that an applicant does not meet all requirements of this part or has violated any provision of these regulations.
- E. Education steering committee.
 1. The secretary shall appoint an education steering committee. The committee shall consist of three installers who possess a valid and applicable New Mexico contractor's license, one septage pumper, one faculty member from a university or college located within New Mexico and with a minimum of ten years of work or academic experience in on-site wastewater treatment and disposal, one representative from the New Mexico Homebuilder's Association, and one member of the department.
 2. The committee shall establish procedures, practices and policies governing the committee's activities.
 3. The committee shall review training classes and programs and make recommendations to the secretary as to approval for continuing education credit.
 4. The committee shall meet semi-annually or as required.